13 P

Previous references.
Bgul912 Sec1-2 S R 227-11
B Feby 13 Sec 1-2 00 202-12

File No. 202-12

1902.
(S R)

Serial Nos. 3 & 4

Later references.

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 3 & 4

Part B. for March 13

SUBJECT.

Limit of the private possession of opium

3. From the F.A to The Honble the Resident
No 1464 Dy 4.3.13
Forwards a copy of the amendments proposed by the Collector C & M Station to the opium rules in force in the Station and enquires whether the Durbar are prepared to adopt similar amendments in the opium rules in force in the Mysore State

4. To The 2nd Asst to Resident No Pol 796 Dy 17.3.13
G. R. S. 58
Informs him that the Durbar have already taken acte regarding the reduction of private possession of opium smoking preparations and forwards a copy of the Govt Notification No H 4810 Dy 25 2 13

G.R.S. 11] 1912-3

GENERAL AND REVENUE SECRETARIAT.

(SR)

NOTES

File No. 202-12

FILE HEADING.

Re limit of the Private possession of Opium.

From

The First Assistant to the Hon'ble the Resident.

No. 1464 Dated 4/3/13 Received 5/3/13.

Diary No. 345	Enclos. 1	Spare Copies. —	Serial No. 3

BRIEF ABSTRACT OF LETTER.

Forwards a copy of the amendments proposed by the Collector, Ctre, Station, to the Opium rules in force in that Station and enquires whether the Durbar are prepared to adopt similar amendments in the Opium rules in force in the Mysore State.

NOTES AND ORDERS.

1 The Opium rules in the State have already been amended reducing the limit of private possession of smoking preparations of opium from one tola to half a tola.

NOTES—First Sheet.

GPB—30,000—12-8-11

G. R. S. 12]

General and Revenue Secretariat.

File No. 202 of 1912

Serial No.

SL 202-12-2

W

2 A copy of the notfn on the subject recently issued may now be forwarded to the Residency in reply to the paper under disposal.

3 A draft is put up for orders

M. 83 Obvn
11/3/13

4 Please also put up S R file 227 of 11

S.P.L. 12/3

P

5 S.R. 227-11 (8 nos 1852) is herewith put up.

M. 83 Obvn
12/3/13.

6 We have adopted the Substance of the amendments now suggested by the Res.y The latter portion of the proposed amendment relating to the private possession by two people has not been included in the notfn already issued. This however seems to be a minor point

Typed enclosure to the paper under disposal. Flag B.

7 Draft Submd for approval

D.F. Lely

S.P.L. 13.3

8 Two amendments are suggested. The first was already been adopted as also the principal part of

NOTE—Contn. sheet.

GPB—65,000—17-6-12.

G. R. S. 12]

General and Revenue Secretariat.

SR File No. 202 of 1912

Serial No.

the second. The addition to the second, forming a subsidiary part, is not adopted by us. This addition itself consists of two parts, the first being a matter of arithmetic practically and the second, of doubtful expediency. For, if two persons are in possession of more than one tola of opium, such possession is either joint or several. In the former case, both are liable possession being inseparable; and in the latter, the person who has more than half a tola alone can be justly held liable & the other cannot fairly be presumed to have abetted the liability without evidence what-soever effect

9. The draft put up may be approved; and the subsidiary point separately dealt with if the Hon'ble the Revenue reverts to it.

(Sd) D. M. Narasimha Rao
13/3/12

2nd Corrie

15/3 draw 14/3

10 except c/forms - I see no reason why we should adopt their amendment in toto. However let us await see

14/3/12

15/3 draw 15/3

Issue draft

15/3

NOTE—Contn. sheet.

GPB—65,000—17-6-12.

R. S. 12]

General and Revenue Secretariat.

S-R- File No. 202 of 1912-13

Serial No.	
4	To The First Asst. Resident No. Conf. 796 dt. 17.3.1913 Informs him that the Darbar have already taken action regarding the reduction of private possession of opium smoking preparations and forwards a copy of the Govt. Notn. — No. Pl. 4810 dt. 25-2-13

Abstd

(Pl. 2)

NOTE—Contn. sheet.

GID- 65,000—17-6-12.

No. 1464

FROM

P. B. WARBURTON, ESQ., I. C. S.,
FIRST ASSISTANT TO THE RESIDENT IN MYSORE.

DIARY No. 3425

10/12/13
SECTION SR
FILE No. 202-12
SERIAL No. 3

To

The Dewan of Mysore.

Dated Bangalore, 4th March 1913

SIR,

I am directed to refer to paragraph 5 of the Resolution of the Government of India in the Finance Department No. 533 F.E., dated the 19th April 1912, a copy of which was communicated to the Durbar with my letter No. 6141 dated the 18th October 1912, on the subject of regulation of opium consumption in India.

2. The Collector, Civil and Military Station, has now proposed certain amendments to the opium rules in force in the Station with a view to reducing the limit of private possession of opium smoking preparations. I am to forward herewith a copy of the amendments proposed together with a copy of the Station opium rules, and to enquire whether the Durbar are prepared to adopt similar amendments in the opium rules in force in the ~~Mysore~~ State.

I have the honour to be,

Sir,

Your most obedient servant,

P. B. Warburton

First Assistant Resident.

R. O. 2—R. P. B.—1-1913—500.

Enclosure to sl 3 SR202-12

(2

THE HON'BLE THE RESIDENT IN MYSORE

N O T I F I C A T I O N.

No. Bangalore, the 1913

In exercise of the powers conferred by sections 5 and 13 of the opium Act 1878 (I of 1878), as applied to the Civil and Military Station of Bangalore, and with the previous - - sanction of the Governor General in Council, the Resident in Mysore is pleased to direct that the following amendments ~~are~~ shall be made in the rules under the said Act published with his notification No 42, dated 31st July 1911, as amended by notification No. 50, dated 1st July 1912:-

(1) In rule III (ii) for the Words "one tola", substitute the words "half a tola"

(2) In rule IV (i) (b), for the words "one tola" substitute the words "half a tola" and add the following to the rule

The limit of possession of these preparations or admixtures by two individuals shall be double the quantity allowed for one;

Provided that when the quantity is exceeded, each of the two individuals shall be held guilty of possessing an amount in excess of the prescribed limit.

X X X X X X

X X X X X X X

W 4355

Sl. No. 26]

GOVERNMENT OF HIS HIGHNESS
THE MAHARAJA OF MYSORE

General and Revenue Secretariat.

Requisition for papers.

Section SR

A

B April 1933

Filed

Deposit No.

File No. 208-12

Serial No. 1-2

To be put up with Diary No. 384 of 1946

Signature K Seshadri

Branch SR

Section

Date 7/3/49

WD 0380—GPB—1,000 books of 100 leaves each—20-8-42

Enclosure to Sl 3 SR 2022-12

(3)

THE HON'BLE THE RESIDENT IN MYSORE.

NOTIFICATION.

Bangalore, the 31st July 1911.

No. 42.—In exercise of the powers conferred by Sections 5 and 13 of the Opium Act, 1878 (I of 1878), as applied to the Civil and Military Station of Bangalore, and with the previous sanction of the Governor General in Council, the Resident in Mysore is pleased to make the following rules in supersession of the rules contained in Residency notification No. 983, dated the 27th February 1900.

PRELIMINARY.

I. These rules shall come into force on, and with effect from, the 1st day of September 1911.

II. In these rules, unless there is anything repugnant in the subject or context :—

'The Resident' means the Resident in Mysore ;

'The Collector' means the Collector of the Civil and Military Station of Bangalore ;

'Farmer' means a person who has obtained a farm from the Collector under Rule XIII ;

'Licensed Vendor' means a person who has obtained a license for sale by retail under Rule X or XIV

'Pharmacist' means a person to whom a special license has been granted under Rule V

'Opium' does not include poppy heads, preparations or admixtures of opium and intoxicating drugs prepared from the poppy

'Poppy heads' means the heads or capsules of the poppy plant which have been lanced and dried or from which the juice has been extracted ;

Sale 'by retail' means the sale in a single transaction of opium and intoxicating drugs prepared from the poppy in any quantity not exceeding three tolas in weight, of preparations and admixtures of opium, other than morphia and its preparations and those used for smoking, in any quantity not containing more than three tolas of crude opium, and of morphia and its preparations in any quantity not exceeding ten grains in weight ;

'Tola' means a weight of one hundred and eighty grains Troy ; and 'Seer' means a weight of eighty tolas.

MANUFACTURE.

III (i) Preparations of admixtures of opium or intoxicating drugs prepared from the poppy, other than preparations or admixtures of opium used for smoking, may be manufactured :—

(*a*) On account of the Government ;

(*b*) By a farmer or licensed vendor for wholesale or retail sale in accordance with these rules and with the conditions of his farm or license

(*c*) By a Pharmacist, duly licensed, or by any person for his own domestic use provided that such manufacture is in quantities not exceeding those in which the possession of the said articles is permitted by these rules, and is from opium of which the possession is similarly permitted.

(ii) Preparations or admixtures of opium used for smoking may be manufactured by any person for his own domestic use, but not for sale, in any quantity not exceeding one tola in weight from opium of which he is permitted by these rules to be in possession.

POSSESSION.

IV (i) Any person may possess —

(*a*) Opium and intoxicating drugs prepared from the poppy in any quantity no exceeding ~~three~~ one tolas in weight, preparations or admixtures of opium, other than morphia and its preparations and those used for smoking, in any quantity not containing more than ~~three~~ one tolas of crude opium and morphia and its preparations in any quantity not exceeding ten grains in weight :

Provided that the said articles have been purchased from a farmer, licensed vendor or licensed pharmacist, or have been manufactured from opium so purchased

Provided also that the Collector may specially authorize the possession by any person of any or all of the said articles in any quantity not exceeding one quarter seer in weight ;

(*b*) Preparations or admixtures of opium used for smoking to the extent of one tolae provided that such preparations have been manufactured by the possessor for privat consumption and not for sale under the conditions of Rule III (ii) above.

(ii) Subject to the conditions of his farm or license, a farmer or licensed vendor may possess opium, preparations or admixtures of opium or intoxicating drugs prepared from the poppy, other than preparations or admixtures of opium used for smoking, in any quantity; and a pharmacist may possess them in any quantity not exceeding one quarter seer of opium and one quarter seer of preparations or admixtures of opium or intoxicating drugs prepared from the poppy at one time.

Provided that the said articles have been purchased from the Government or from a farmer, licensed vendor or pharmacist as prescribed in the possessor's farm or license or otherwise in these rules, or have been manufactured from opium so purchased:

Provided also that the Collector may, in any special case, authorize the possession by a pharmacist of any or all of the said articles in any quantity.

V. The Collector may grant to any pharmacist a special license, in such form as may be prescribed by the Resident, for the possession in accordance with the provisions of the last preceding rule and sale by retail, for medical purposes only, of opium, preparations or admixtures of opium, or intoxicating drugs prepared from the poppy, other than preparations or admixtures of opium used for smoking.

Provided that a pharmacist may, without any license, possess or sell recognised medical preparations containing opium.

TRANSPORT.

VI. Any person may transport opium and preparations or admixtures of opium and intoxicating drugs prepared from the poppy, of which he is lawfully in possession, from a place where he has purchased any or all of the said articles or manufactured the preparations or admixtures of opium or intoxicating drugs prepared from the poppy, to a place where he is licensed to manufacture or sell the said articles or where he may lawfully consume them.

IMPORT.

VII. (i) The import of opium on account of the Government shall be permitted on the condition that the opium is covered by a pass granted by the Collector.

(ii) A pharmacist may, with the special permission of the Collector and subject to such conditions as the Collector may prescribe, import such preparations or admixtures of opium or intoxicating drugs prepared from the poppy (other than preparations or admixtures of opium used for smoking), as are not locally procurable, to the extent of the quantities of the said articles of which he is permitted by these rules to be in possession.

SALE.

VIII. Opium, preparations or admixtures of opium, and intoxicating drugs prepared rom the poppy, other than preparations or admixtures of opium used for smoking may be sold by retail to any person legally authorized to possess the same by a person holding a license in that behalf; and may also be sold for medical purposes only, by a pharmacist holding a license granted to him under Rule V, to the extent and subject to the conditions specified in such license.

IX. (i) Opium in quantities of not less than one-fourth seer shall, on prepayment at such rates as the Resident may prescribe by notification in the official gazette, be supplied by the Collector to any farmer, licensed vendor or pharmacist.

(ii) No opium shall be sold by wholesale or retail which has not been bought from the Collector or from a licensed vendor.

(iii) No opium, or preparation or admixture of opium, or intoxicating drug prepared from the poppy shall be sold wholesale, except under special order from the Collector, or as next hereinafter provided.

(iv) A licensed vendor or farmer may sell any quantity of opium, or preparations or admixtures of opium or intoxicating drugs prepared from the poppy, other than preparations or admixtures of opium used for smoking, which he is authorized under the conditions of his license or farm to deal in, to another licensed vendor or farmer; and a quantity not exceeding one-fourth seer of each of the said articles or one half seer of them in the aggregate to a pharmacist.

(v) A pharmacist may sell to another pharmacist a quantity not exceeding one quarter seer of preparations or admixtures of opium or intoxicating drugs prepared from the poppy, other than preparations or admixtures of opium used for smoking.

X (i) Licenses for the sale by retail of opium, or preparations or admixtures of opium, or intoxicating drugs prepared from the poppy, other than preparations or admixtures of opium used for smoking, may be granted by the Collector.

(ii) Such limited number of shops for the retail vend of opium or preparations or admixtures of opium or intoxicating drugs prepared from the poppy as aforesaid, as the Resident may from time to time decide, shall be allowed, and the monopoly of retail vend at such shops shall be sold for such fee as the Resident may fix, or it may be put up to auction at the commencement of each official year. The shops shall be disposed of singly or in groups, as the Resident may direct.

XI. Licenses for the sale by retail of opium, or preparations or admixtures of opium, or intoxicating drugs prepared from the poppy, other than preparations or admixtures of opium used for smoking, shall be in such form as may be prescribed by the Resident.

XII. Licenses for the sale by retail of opium, or preparations or admixtures of opium, or intoxicating drugs prepared from the poppy, other than preparations or admixtures of opium used for smoking, shall be granted for one year only, unless the Resident otherwise specifically directs.

XIII. (*i*) With the sanction of the Resident, and subject to such conditions (if any) as may be imposed as hereinafter provided, the Collector may farm the duties leviable on the sale by retail of opium, or preparations or admixtures of opium or intoxicating drugs prepared from the poppy, other than preparations or admixtures of opium used for smoking, for a term not exceeding five years.

(*ii*) The Resident may prescribe conditions :—

(*a*) for the invitation and acceptance of tenders for the farm of such duties ;

(*b*) as to the forms and conditions of the farms ; and

(*c*) for the requisition of security for the due fulfilment of the engagements entered into by the farmers.

(*iii*) Any breach of the conditions of a farm granted under this rule shall, over and above any other penalty, subject the farm to annulment by the authority by whom it was granted.

XIV. When duties are farmed under the last foregoing rule, the farmer may issue, within the limits of his farm, licenses for the sale by retail of opium, or preparations or admixtures of opium, or intoxicating drugs prepared from the poppy, other than preparations or admixtures of opium used for smoking. Such licenses shall be countersigned by the Collector and shall then have the force of licenses issued by the Collector under Rule X and shall contain such of the conditions of the said licenses as the Collector may prescribe, and may be cancelled at the discretion of the Collector for the breach of any of these conditions.

XV. Before entering into engagement for the farm of such duties, the Collector may make such reservations or restrictions with respect to the grant of licenses by the farmer as he thinks fit.

XVI. Every farmer shall file in the Collector's office, in such form as may from time to time be prescribed by the Collector, a list of all licenses granted by him.

XVII. With the sanction of the Resident, the Collector may cancel any farm granted under Rule XIII, or may within the period of such farm impose any new reservation or restriction on the farmer.

XVIII. If a farm is cancelled for any cause other than a breach of the conditionss imposed under Rule XIII upon the farmer, or if any reservation or restriction in respect of the grant of licenses is imposed under the last foregoing rule during the term of the farm, the Resident may award to the farmer compensation for any loss thereby caused to him.

XIX. If any license vendor or farmer, on the expiry of his license or farm, has in his possession any opium or preparations or admixtures of opium or intoxicating drugs prepared from the poppy, other than preparations or admixtures of opium used for smoking which he is authorised under the conditions of his license or farm to sell, but is unable to dispose of to the satisfaction of the Collector by private sale to other licensed vendors or farmers, he shall surrender the same to the Collector; and the incoming licensed vendor or farmer, or, if the expired license or farm is not renewed, any licensed vendor or farmer within the station shall, when required by the Collector, be bound to purchase the articles aforesaid to the extent of two months' supply, at such price and in such quantities as the Collector shall adjudge :

Provided that the price thus adjudged shall in no case exceed the rate at which opium, can be procured from the Government.

Provided also that, if such articles are declared by the Residency Surgeon to be unfit for use, the Collector shall cause the same to be destroyed.

GENERAL.

XX. Except where otherwise specially provided in the foregoing rules, the possession, transport, import, or sale of opium, and preparations and admixtures of opium or intoxicating drugs prepared from the poppy, other than preparations or admixtures of opium used for smoking, by or on behalf of the Government shall be unrestricted.

DISPOSAL OF THINGS CONFISCATED.

XXI. Opium, or any preparation or admixture of opium or intoxicating drugs prepared from the poppy confiscated under the Opium Act, 1878, shall be examined by the Residency Surgeon, and, if declared by him to be fit for use, shall be sent to the Resident's Treasury, and be disposed of as the Collector may direct. If declared to be unfit for use, it shall be immediately destroyed.

XXII. All property, other than opium, or any preparation or admixture of opium or intoxicating drugs prepared from the poppy, which is confiscated under the Opium Act, 1878, shall be sold under the orders of the Magistrate or other officer by whom the confiscation was adjudged.

REWARDS.

XXIII. Any Magistrate convicting an offender under Section 9 or any Magistrate or other authorized officer ordering the confiscation of opium, or any preparation or admixture of opium or intoxicating drug prepared from the poppy, under Section 12 of the Opium Act, 1878, may grant a reward, not exceeding the value of the article or articles confiscated in addition to the amount of any fine realized, in such proportions as he may think fit to any person or persons who have contributed to the seizure of the article or articles or the conviction of the offender.

XXIV. If in any case the fine or forfeiture is not realized the Collector may sanction such reasonable reward, not exceeding the amount of the fine and forfeiture, as may seem appropriate. The Resident may also by general order declare what class of Excise Officers shall receive rewards, and what classes shall have no title to share therein.

XXV. The powers referred to in the third paragraph of Section 12, Section 19 and Section 24, respectively, of the Opium Act, 1878, may be exercised by the Collector.

P. B WARBURTON,
First Assistant Resident.

S. G P. I.—No. 98 R. in Mysore.—9-8-11.—30.

(7

G.R.S. 26]

File No. 202-12

Serial No. 4

Diary No. of letter replied to 4925

Pol No. 796

General and Revenue Secretariat

(GR)

, *the* *19*

To

The Resident in Mysore

Date of issue 17.3.13

Sir,

Signed by Dr K.R. Srinivasaiyar.

Paper under disposal

Adverting to your letter no: 1464 of the 4/3/13 ~~regarding the reduction of the limit of private possession of opium smoking preparations~~, I am directed to state that the Durbar have already taken action on the matter on the suggestion over.

25/3

regarding the reduction of private possession of opium smoking preparations

SUBJECT.

of the Excise Commissioner in Mysore and to forward herewith for information a copy of note no 4810/801 202-11-2 of the 25th Feby 1913 on the subject

Have ck 14/3/13

Sd/

for Secy to Govt

13/3/13

13-3-83

14/3/13

List of enclosures,

Copied by

Examined by

GPB—10,000—28-2-11.